



Montoya, Darlene <dmontoya@nmag.gov>

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## RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

3 messages

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: jmontoya@las-cruces.org

Mon, Dec 19, 2016 at 1:47 PM

Chief:

Attached please find correspondence from the Law Enforcement Board Subcommittee regarding the above-referenced matter.

If you have any questions or concerns, please do not hesitate to contact me. Thank you

--  
Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
[\(505\) 490-4854](tel:(505)490-4854)



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84K

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**Jaime Montoya** <JMontoya@las-cruces.org>  
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Tue, Dec 20, 2016 at 3:48 PM

Darlene,

Here are our policies that I believe deal mostly with Officer Involved Shootings. If the policies have been updated it should say in the upper left hand corner of the policy. Policies like Use of Force and Officer Involved Shootings are reviewed on a constant basis through one on one training, briefing training or during biennium training. I also attached our joint powers agreement that we use for our Task Force. It has not been updated since 2009 because we cant get everyone to sit down and agree to everything but it is still the document we use.

If you have any questions please let me know.

**Jaime R Montoya**  
Chief of Police/Las Cruces Police Department/Administration  
Direct: [575-528-4290](tel:575-528-4290), Main: [575-528-4200](tel:575-528-4200), [jmontoya@las-cruces.org](mailto:jmontoya@las-cruces.org)

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**From:** Montoya, Darlene <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>

**Sent:** Monday, December 19, 2016 1:47 PM

**To:** Jaime Montoya

**Subject:** RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

[Quoted text hidden]

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**5 attachments**



**149 RELEASE OF DEPARTMENTAL INFORMATION (1).pdf**  
276K



**156 OFFICER INVOLVED SHOOTING.pdf**  
371K



**255 USE OF FORCE.pdf**  
564K



**257 LESS-LETHAL IMPACT MUNITIONS.pdf**  
255K



**joint powers agreement.pdf**  
1947K

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**Montoya, Darlene** <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
To: Jaime Montoya <[JMontoya@las-cruces.org](mailto:JMontoya@las-cruces.org)>

Tue, Dec 20, 2016 at 4:27 PM

Thank you Chief Montoya. I hope you and your Department have a very Merry Christmas, and a wonderful and safe New Year's.

[Quoted text hidden]



Revised:

**149 RELEASE OF DEPARTMENTAL  
INFORMATION**

Issued: 5/13/2005

**149 RELEASE OF DEPARTMENTAL INFORMATION**

**POLICY**

The disclosure of information concerning the Department, or pertaining to Departmental operations is specifically prohibited unless a right to know has been established. Departmental employees are expressly prohibited from disclosing or discussing departmental information, which is:

- a. Confidential in nature
- b. Any information which might jeopardize the success of a tactical operation
- c. Investigative facts or information
- d. Information that might violate the right to privacy of any individual.

Unless specifically authorized, no Departmental employee will release information to the public or other entities without having first established the right to know. The dissemination of documents or records should be accomplished by the Records Unit. The release of information to the media should be accomplished by a Public Information Officer (PIO).

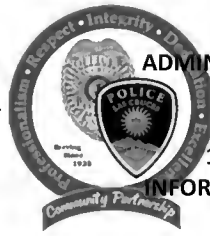
**149.01 INTENT OF ORDER**

It is the intent of this order to restrict or eliminate disclosure of information to the public when such disclosure is illegal or counterproductive to the Department's mission and goals. The intent is not to restrict the flow of information within the Department to those having a right to know and a need to know.

**149.02 DEFINITIONS**

**Right to Know** – refers to an individual or a group's legal or procedural right to know or possess certain information.

**Need to Know** – refers to an individual or group's need to know or possess certain information or knowledge.



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**National Crime Information Center (NCIC)** – A database managed by the FBI comprised of nineteen files containing Wanted Person, Missing Person, Stolen Property, and Intelligence information.

**New Mexico Crime Information Center (NMCIC)** – A database managed by the New Mexico Department of Public Safety (NMDPS) containing the state's Wanted Person(s) File.

**National Law Enforcement Telecommunications Systems (NLETS)** – A Nationwide computer network managed by a non profit organization to provided interstate teletype communications and access to other states Motor Vehicle Division records, weather information, and criminal history information. NLETS also provides access to similar files in Canada.

**New Mexico Law Enforcement Telecommunications System (NMLETS)** A statewide network managed by NMDPS that provides in state teletype communications between New Mexico criminal justice agencies. NMLETS provides access to New Mexico Motor Vehicle Division records, weather information and other files.

149.03 **DISCLOSURE OF INFORMATION TO DEPARTMENTAL  
EMPLOYEES**

Information exchanged between Departmental employees during the course of day to day operations will be accomplished only on a right to know and need to need basis. Work papers and documents within an office setting or stored on computer files or disks are not for general viewing, and Departmental employees without the right to know and need to know are prohibited from viewing such information without proper authorization. All confidential and sensitive information will be kept secure from those not authorized to view it.

149.04 **DISCLOSURE OF INFORMATION FROM NCIC AND NMCIC**

Information received from NCIC and NMCIC is restricted to law enforcement use only, and disclosure to the public is specifically prohibited.

The following information is not to be disclosed to any person or entity not directly associated with law enforcement and without the need to know:

- a. National Crime Information Center (NCIC) information



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- b. National Law Information Telecommunications System (NLETS) information
- c. New Mexico Crime Information Center (NMCIC) information
- d. New Mexico Law Information Telecommunications System (NMLETS) information
- e. Any other state or federal agency crime database information.

**WARNING!**

Dissemination of information from NCIC, NLETS, NMCIC, or NMLETS databases to unauthorized sources may result in criminal charges and / or fines.

149.05

**DISCLOSURE OF INFORMATION FROM THE MOTOR  
VEHICLE DIVISION**

Motor vehicle registration files and drivers license information may be disseminated between law enforcement officers / prosecutors as needed.

A Departmental employee may verbally provide a name, drivers license number, and registration number from the MVD database to a citizen having a right and a need to know, but are prohibited from providing additional information and delivering a paper copy from the MVD database to the citizen. Citizens should be directed to MVD for any additional information.

149.06

**REPORTS CONSIDERED PUBLIC RECORD**

The following reports maintained by the Records Unit of the Las Cruces Police Department are considered public record:

- A. All initial incident reports (some supplemental reports referring to cases still under investigation may not be subject to release)



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**149 RELEASE OF DEPARTMENTAL  
INFORMATION**

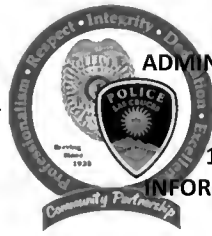
Issued: 5/13/2005

- B. All traffic crash reports (some supplemental reports referring to cases still under investigation may not be subject to release).
- C. All incident reports ordered open to the public by a court of competent authority.
- D. Incident reports involving the death of a child, and the case is awaiting disposition in the criminal justice system (some supplemental reports referring to cases still under investigation may not be subject to release).
- E. All incident reports involving offenders currently in the criminal justice system awaiting disposition (see H below for exception).
- F. Incident reports where the case has resulted in a positive disposition for the state (see H below for exception).
- G. Offense reports that involving a child witness or victim of a crime, and the case is awaiting disposition in the criminal justice system (see H below for exception).
- H. Exception to E, F, & G: Cases involving a child victim of neglect and / or abuse, or in need of supervision (CHINS).

**149.07 RECORDS WITH LIMITED PUBLIC ACCESS**

Records maintained by the Records Unit of the Las Cruces Police Department that have limited public access are as follows:

- A. Runaway reports.  
These reports may be released only to the child's parent(s), legal guardian, or their legal representative.
- B. Reports involving a child who is neglected, abused, or in need of supervision (CHINS).



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These reports may be released only to the child, the child's legal representative, the parent(s), the child's legal guardian, and the Human Services Department, Social Services Division; the victim(s) and/or the victim's legal representative.

**149.08 RECORDS CLOSED TO PUBLIC ACCESS**

Records maintained by the Records Section of the Las Cruces Police Department that are considered closed to the public are as follows:

- A. All offense reports that result in a negative disposition such as not guilty, dismissed, case not prosecuted, etc. This includes multiple offender cases where at least one offender receives a negative disposition.
- B. All children's cases where a child is listed as the subject of neglect, abuse or in need of supervision (CHINS).
- C. All reports or records closed to the public by court order.
- D. All medical, psychiatric, or psychological reports.
- E. Law enforcement records that reveal confidential sources, methods, information, or individuals accused but not charged with a crime.
- F. Law enforcement records that include evidence in any form received or compiled in connection with any criminal investigation or prosecution by any law enforcement or prosecuting agency, including inactive/closed cases to the extent that they contain the information listed above.

**149.09 ACCESS TO RECORDS BY OTHER AGENCIES**

Records maintained by the Las Cruces Police Department shall be provided to lawfully authorized agencies or their representatives.



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INFORMATION**

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**149.10 RELEASE OF ARREST RECORD INFORMATION**

Arrest record information may be released to employees of federal, state, or local agencies and to the person named in the record. The appropriate Departmental form must be filled out at the time of the request.

**149.11 ARREST INFORMATION VIA TELEPHONE**

No inquiries for arrest information will be released via telephone.





Revised: 12/31/2014

156 OFFICER INVOLVED  
SHOOTING

Issued: May 5, 2008

## 156 OFFICER INVOLVED SHOOTING

### PURPOSE

The purpose of this General Order is to establish fair and impartial procedures for the investigation of officer involved shootings. It also outlines the assignment of a liaison officer to assist involved officer(s) through administrative and emotional support.

### POLICY

The Las Cruces Police Department (LCPD) shall fairly and impartially investigate all on-duty or off-duty officer involved shootings. The department shall make a liaison officer available to any involved officer to assist with administrative and emotional support.

### APPLICABILITY

This General Order applies to all commissioned employees. This General Order supersedes all previous versions.

### REFERENCES

- CALEA 1.3
- NMML ADM.05.04
- City of Las Cruces Personnel Manual (PM)
- City Manager's Policies (CMP)
- Current contract between the City of Las Cruces (CLC) and the Las Cruces Police Officers' Association (LCPOA)
- Peace Officer's Employer-Employee Relations Act
- Las Cruces Officer Involved Incident Task Force Joint Powers Agreement

### DEFINITIONS

**Officer Involved Shooting** – An officer involved shooting occurs when a commissioned officer discharges a firearm during the lawful discharge of his/her duty, whether or not the intended target was hit. An officer involved shooting may occur while an officer is off-duty depending on the circumstances and whether or not the officer was acting under color of law. An officer involved shooting is not when an officer negligently discharges a firearm or discharges a firearm while committing a crime.



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SHOOTING

Issued: May 5, 2008

**Las Cruces Officer Involved Incident Task Force (OITF)** – The OITF is comprised of representatives from the New Mexico State Police (NMSP), Dona Ana County Sheriff's Office (DASO), New Mexico State University Police Department (NMSUPD), and the Las Cruces Police Department (LCPD). Established by the 2009 Joint Powers Agreement, investigation of Officer Involved Criminal Incidents, the OITF is the main investigatory body for officer involved shootings.

## 156.01 TYPES OF INVESTIGATIONS

Officer involved shootings require two separate investigations. They are:

- A. A criminal investigation of the incident by the OITF or other agency with jurisdiction.
- B. An administrative investigation conducted by the LCPD Professional Standards Unit (PSU) to determine if there were any violations of General Orders, the PM, the CMP, or any other rules and regulations.

## 156.02 SUPERVISOR RESPONSIBILITIES

- A. Upon arrival at the scene of an officer involved shooting, the first uninvolved supervisor shall:
  - 1. Take all reasonable steps to obtain emergency medical aid for all injured persons.
  - 2. Take incident command and secure the scene of the incident with additional personnel until relieved by proper authority.
  - 3. Obtain an overview and/or public safety interview of the situation from any officer(s) who did not discharge their firearm.
    - a. If only the officer who discharged his/her firearm is available, the supervisor may ask for a voluntary statement concerning public safety information necessary to secure the scene and pursue suspects. If necessary, the supervisor may administratively order any LCPD officer to immediately provide public safety information necessary to secure the scene and protect the public. Public safety information shall be limited to:
      - 1) Outstanding suspects
      - 2) Suspect(s) descriptions



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SHOOTING**

Issued: May 5, 2008

- 3) Number and direction of shots fired
- 4) Perimeters of the scene
- 5) Identity of any known witness
- 6) Other information necessary to safeguard the public
- b. The first responding supervisor shall not order or compel a statement from any officer involved other than to provide public safety information.
4. Make all necessary notifications of the incident as outlined in GO 156.03.
5. Arrange for the officers who discharged a firearm to be transported to the LCPD station for further direction once the lead investigator has released the involved officers from the scene. If more than one officer is involved, each officer should be transported separately to protect the accuracy of each officer's statement.

Involved officer(s) shall not discuss the incident with other involved officers pending direction from a supervisor. Involved officers may discuss the incident with their attorney, LCPOA representative, and psychological counselor.

6. Preserve the integrity of any physical evidence present on equipment, clothing, or the involved officer(s) until investigators can properly retrieve it.
7. Secure the involved officer's firearm as evidence

When an officer is required to surrender his/her firearm as evidence, the officer shall be provided with a comparable replacement firearm or immediately transported to the LCPD station by another commissioned officer.

## **156.03 NOTIFICATIONS**

- A. The Incident Commander shall ensure the following personnel are notified as soon as practical:
  1. Chief of Police
  2. Deputy Chiefs of Police



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SHOOTING**

Issued: May 5, 2008

3. Area Commander
4. Patrol Lieutenant
5. CIS Lieutenant who will activate the OITF
6. PSU Lieutenant
7. LCPOA President or designee for represented employees
8. Psychological/Peer support personnel
9. City Risk Management

#### **156.04 INVESTIGATION PROCEDURES**

- A. The OITF shall investigate officer involved shootings. The OITF shall conduct a criminal investigation into the circumstances of an officer involved shooting, whether or not the intended target was struck or anyone was injured. The CIS supervisor shall assign personnel to the OITF as prescribed in the OITF Joint Powers Agreement.
- B. Once public safety issues have been addressed, the OITF will begin its investigation of the officer involved shooting. The OITF will have full access to the scene, evidence, and reports. The OITF shall interview and/or interrogate, victims, suspects, witnesses, and any officers involved in the incident.
  1. Interviews and/or interrogations of the officers shall be in accordance with the current contract between CLC and LCPOA.
  2. Any involved officer may request and be afforded the opportunity to consult with an attorney of his/her choosing prior to speaking with a criminal investigator.
  3. Voluntary statements provided by officers will be made available for inclusion in the administrative and/or other related investigations.
  4. Administratively compelled statements shall not be provided to any criminal investigators unless the officers' consents or the release is authorized by law.



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156 OFFICER INVOLVED  
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## 156.05 INVOLVED OFFICER(S)

- A. Investigators shall make reasonable accommodations to the involved officer's physical and emotional needs.
- B. Any officer who discharges a firearm at a person shall be placed on administrative leave with pay for at least three (3) days. When an officer discharges his/her firearm at an animal the officer may be placed on administrative leave with pay at the discretion of the Chief of Police. This is intended to provide time for the involved officers to recover from the physical, mental, and emotional stress of the incident.
  - 1. Administrative leave may be extended based the totality of the circumstances, the best interests of the investigation, and the best interests of the involved officer.
  - 2. Should a large number of officers be involved in a shooting incident and placing them all on administrative leave prove to be impractical, the Chief of Police may allow the officers back to duty after each has met with a mental health professional. The Chief of Police may also temporarily reassign employees as needed to ensure proper staffing levels throughout the department.
- C. Involved officers shall not discuss the incident with other involved officers or coworkers and may receive further guidance from the OITF, supervisor, or PSU. Involved officers should be cognizant that not all conversations are considered privileged and comments may be used against the officer.
- D. Employees shall not discuss or post comments concerning the incident on social media or social networks. (GO 158.02F)
- E. A mental health professional shall be provided by the department to each involved officer or any officer upon request.
  - 1. Interviews and conversations with a licensed medical health professional are privileged and will not be disclosed except to the extent that the officer is or is not fit to return to duty.

## 156.06 ADMINISTRATIVE INVESTIGATION

In addition to the criminal investigation, the LCPD shall conduct an administrative investigation to determine any policy violations, policy weaknesses, and/or training needs. Administrative investigations shall be conducted by PSU. Administrative investigations shall commence at the conclusion of the criminal investigation to avoid



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contaminating the criminal investigation with protected disclosures made by involved officers.

- A. Any officer involved in an officer involved shooting shall be administratively compelled to submit to drug and/or alcohol screening in accordance to CMP 8.1, Substance Abuse/Detection Policy immediately after the incident.
- B. The PSU investigator shall review the criminal investigation in its entirety before proceeding with administrative investigation and any interviews of those involved.
- C. All interviews conducted by PSU shall conform to the guidelines set forth in the LCPOA contract and the Peace Officer's Employer-Employee Relations Act.
- D. The Chief of Police or the PSU Lieutenant may request the assistance of appropriate subject matter experts to assist with the investigation and/or interviews.
- E. PSU shall compile all relevant information, reports, and findings for the Chief to determine compliance with General Orders and any other rules and regulations.

#### **156.07 MEDIA RELATIONS**

A media release shall be prepared regarding LCPD officer involved shootings in a reasonable time. Information released shall be approved by the Chief of Police, the OITF Commander, and the Public Information Office (PIO). The Chief of Police may also call a press conference to communicate the nature of the incident and ongoing investigative procedures.

#### **156.08 REPORTING**

- A. In the event that a suspect remains outstanding or subject to prosecution for related offenses, the department shall retain the authority to require the involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.
- B. Initial reports shall be completed by investigators who shall interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution of suspects, statements of involved officers should focus on evidence to establish the elements of any crime charged.
- C. Blue Team Use of Force reports shall be completed by the OITF with the assistance of the LCPD detective assigned and/or PSU.





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D. Reports of employee injury shall be completed by the involved officer's supervisor.

## **156.09 OFFICER INVOLVED SHOOTING LIAISON OFFICER**

- A. The department shall make available a liaison officer to assist the officers involved in an officer involved shooting. The liaison officer shall be:
  - 1. A commissioned officer in good standing with the department.
  - 2. An officer chosen with the assistance of the involved officer.
- B. The liaison officer shall be assigned as soon as practical by the Chief of Police or requested by the involved officer to assist and act as a secondary point of contact for the involved officer. Liaison officers may be temporarily reassigned from their regular duties at the discretion of the Chief of Police.
- C. After being assigned as a liaison officer, the liaison officer shall:
  - 1. Attend a briefing about the incident by the Chief of Police or his/her designee
  - 2. Make reasonable attempts to contact and inform the involved officer of the assignment as liaison officer. The involved officer may waive the need for a liaison officer. The liaison officer shall inform the Chief of Police of the involved officer's refusal of a liaison officer, and resume his/her normal duties.
  - 3. If the involved officer chooses to accept the assistance of a liaison officer, the liaison officer shall:
    - a. Assist the involved officer in contacting legal representation.
    - b. Keep daily contact with the involved officer in order to check the welfare of the involved officer and his/her family.
    - c. Give regular feedback to the Chief of Police or designee as to the status of the involved officer.
    - d. Provide transportation to the involved officer for:
      - 1) Interviews



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**156 OFFICER INVOLVED  
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- 2) Employee Assistance Program (EAP) meetings or other physical and/or mental health services
- 3) Victims Assistance meetings
- 4) Any other official business as needed
4. Ensure regular communication between the involved officer(s) and the Chief of Police or his/her designee as to the status of the investigation.
5. The liaison officer shall not discuss the investigation, other than general status, with the involved officer. Conversations between the involved officer(s) and the liaison officer are not privileged communications.





Revised: 02/01/2016

**255 USE OF FORCE**  
Issued: 5/13/2005

## 255 USE OF FORCE

### PURPOSE

The purpose of this policy is to guide employees in the proper and reasonable application of force during the course of their duties.

### POLICY

It is the policy of the Las Cruces Police Department (LCPD) that employees shall use only that force which is reasonably necessary to protect the sanctity of human life, preserve and protect individual liberties, and to affect lawful objectives.

### APPLICABILITY

This General Order applies to all employees. This General Order supersedes all previous versions.

### REFERENCES

- CALEA 1.3
- NMML ADM.05.01 – 05.04
- U.S. Supreme Court, *Graham v. Connor*, 490 U.S. 386 (1989)
- U.S. Supreme Court, *Scott v. Harris*, 550 U.S. 372 (2007)
- U.S. Supreme Court, *Tennessee v. Garner*, 471 U.S. 1 (1985)
- *Draper v. Reynolds*, 369 F.3d 1270, 1273 (11th Cir. 2004)
- Las Cruces Officer Involved Incident Task Force Joint Powers Agreement

### DEFINITIONS

**Chemical Agents** – Chemical agents designed and manufactured for law enforcement purposes, as approved and issued by the Las Cruces Police Department.

**Deadly Force** – Any force likely to cause death or great bodily injury.

**Imminent** - An event, absent intervention, that is likely to occur at some point in the near future. Used synonymous with immediate.

**Less-Lethal Force** - Measures or equipment such as bean-bag rounds or other propelled impact devices designed to incapacitate without causing death or serious physical injury.



Revised: 02/01/2016

**255 USE OF FORCE**

Issued: 5/13/2005

However, these measures, even when deployed properly, still possess the potential to cause death or serious physical injury.

**Less-Lethal Munitions** - Munitions designed to incapacitate hostile individuals without causing death or great bodily harm, but that possibility always exists even though the munitions are deployed properly. Department approved less-lethal munitions are:

- Electronic Control Device
- Bean Bag Rounds
- Rubber Pellet Rounds
- Foam Projectile Rounds
- Wooden Baton Rounds
- Pepper ball
- Department approved chemical agents

**Objectively Reasonable** – This term means that in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of the threat or resistance presented by the subject, and the level of threat to the community.

**Las Cruces Officer Involved Incident Task Force (OITF)** – The OITF is comprised of representatives from the New Mexico State Police (NMSP), Dona Ana County Sheriff's Office (DASO), New Mexico State University Police Department (NMSUPD), and the Las Cruces Police Department (LCPD). Established by the 2005 Joint Powers Agreement, Investigation of Officer Involved Criminal Incidents, the OITF is the main investigatory body for officer involved shootings.

**Impromptu Roadblock** – A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a violator that does not employ barricades or signage as outlined by the Manual of Uniform Traffic Control Devices (MUTCD). Impromptu roadblocks are primarily used to stop a fleeing vehicle involved in a pursuit. Impromptu roadblocks are considered a use of force due to the high possibility for great bodily injury or death.



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**255 USE OF FORCE**

Issued: 5/13/2005

**Physical Injury** – Any injury to a person that is not likely to cause death or great bodily injury to the person, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the person's body.

**Ramming** - The intentional collision of an emergency police vehicle and suspect vehicle which is not within PIT maneuver guidelines. Ramming is considered a use of force due to the high possibility for great bodily injury or death.

**Reasonable Belief** – Facts and circumstances known to the officer at the time, which would cause another reasonable and prudent officer to act or think in a similar way under similar circumstances.

**Serious Physical Injury** - Any bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

**Totality of Circumstances** – The facts and circumstances of an incident, including the severity of the crime at issue, and whether the suspect posed an immediate threat to the safety of the officers, or others, by actively resisting arrest or by flight

**Use of Force** – The amount of effort required to compel compliance by an unwilling subject resulting in a potential for injury, excluding compliance holds that require no more than a firm grip.

## **255.01 USE OF FORCE CASE LAW**

- A. The United States Supreme Court, in a case entitled *Graham v. Connor*, sets forth the analytical model by which all use of force cases are reviewed. As required by *Graham*, an officer's use of force is assessed by examining the facts and circumstances known to the officer including a review of the following:
1. The severity of the suspect's crimes;
  2. The immediacy of the threat posed by the suspect to the safety of the officers or others; and
  3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.



Revised: 02/01/2016

**255 USE OF FORCE**

Issued: 5/13/2005

- B. As used by Graham, “objectively reasonable” is much like the related concepts of reasonable suspicion and probable cause. Objective reasonableness requires more than an officer’s *subjective* beliefs about a suspect and the level of threat that the suspect poses. Indeed, an officer can not base a decision to use force on a “hunch,” a “feeling,” or some other unquantifiable belief. This is an *objective* test which means that the officer’s good faith beliefs, for taking certain action, are irrelevant.
- C. Instead, an officer must be able to identify specific and articulable facts. Essentially, an officer must list the information that he or she observed, heard, or otherwise collected through reliable police channels and the source of that information. Sometimes just as important, an officer must identify unknowns and why this lack of information is important to an assessment of the suspect’s threat level.
- D. Based on those specific and articulable facts, an officer can then use his or her training and experience to interpret the known information and reach a reasonable conclusion as to the level of threat posed by the suspect. Stated another way, the conclusion an officer draws about a suspect must be based on the known facts.
- E. This process does not deal with hard certainties, but with probabilities. The use of the 20/20 vision of hindsight to analyze an officer’s use of force decision is prohibited. This is why the Graham test is called objective *reasonableness*, not objective *certainty*.

## **255.02 PROCEDURES – APPLYING FORCE**

### **A. When to Use Force**

- 1. Personnel will use only reasonable force necessary to accomplish lawful objectives.

### **B. Medical Aid**

- 1. It is the officer’s responsibility to summon emergency medical personnel to administer treatment or render first aid when force is applied. If applicable the officer should render first aid until emergency medical personnel arrive. Officers should render first aid consistent with knowledge and training, taking into consideration the seriousness of the injury. Officers administering first-aid shall wear appropriate personal protective equipment, taking into account their own safety.



Revised: 02/01/2016

**255 USE OF FORCE**

Issued: 5/13/2005

2. Refusal of Medical Attention Form (RMAF) is required in every incident where medical attention is refused. (See Attachment A - Refusal of Medical Attention Form) If the arrestee refuses to sign the RMAF, then medical attention from LCFD or a medical facility is still required.

## **255.03 LEVELS OF FORCE**

### **A. Parameters for Use of Deadly Force**

1. After weighing the respective interests of law enforcement and the suspect, the United States Supreme Court, in a case entitled *Tennessee v. Garner*, held that the Fourth Amendment authorized a police officer's use of deadly force in the following circumstance:
  - a. Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.
2. The Supreme Court, in *Garner*, also prohibited the use of deadly force in the following circumstance:
  - a. The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape. Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so. It is no doubt unfortunate when a suspect who is in sight escapes, but the fact that the police arrive a little late or are slower afoot does not always justify killing the suspect. A police officer may not seize an unarmed, non-dangerous suspect by shooting him dead.

Accordingly, police officers are authorized to use deadly force, by any means, to:

- a. Protect themselves or others from an immediate threat of serious physical harm;



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- b. Prevent the escape of a felony suspect who the officer has probable cause to believe that the suspect poses a immediate threat of serious physical harm to the officers or others if allowed to escape;
  - c. Where feasible, some warning should be given prior to engaging in the use of lethal force.
3. Officers should give appropriate medical assistance to injured suspects in circumstances where the officer's safety is no longer in jeopardy.
4. Officers may also discharge a firearm under the following circumstances:
  - a. To safely destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured;
  - b. During qualifications, range practice or sporting events.
5. Warning shots are prohibited.
6. Employees should not discharge a firearm at or from a moving vehicle unless it is necessary to protect him or herself or another from what is reasonably believed to be an imminent threat of death or great bodily harm.
7. When the ONLY means of an assault on an officer is by motor vehicle, officers:
  - a. Must place him or themselves in the most tactically safe position possible.
  - b. Will not purposely place themselves in the path of a fleeing / aggressively driven vehicle to justify the use of deadly force.
8. Firearms will be carried in a safe and secure manner. Careless handling of firearms is prohibited.

#### **B. Parameters of Use of Less-Lethal Force**

1. In circumstances where lethal force is not authorized, officers should assess the incident in order to determine how to best de-escalate and bring the incident under control in a safe manner. Assessment may include: potential for officer or offender injury, degree of aggression by the suspect, number of suspects, possibility of escalation, number of bystanders, and potential for secondary exposure of bystanders.





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2. Police officers are authorized to use reasonable less-lethal force techniques and equipment for resolution of incidents, as follows:
  - a. To protect themselves or another from physical injury;
  - b. To restrain or subdue a resistant individual;
  - c. To bring an unlawful situation safely and effectively under control.
3. Less-lethal force may be used in situations where the officer reasonably believes that the suspect poses a serious threat of serious bodily harm. Less-lethal force may be used even though the subject does not pose an *immediate* threat of serious bodily harm.
4. Less-lethal force is not designed as a substitute for lethal force but, rather as an alternative in some instances. Proper use of less-lethal force requires a sufficient amount of time for officers to confirm the circumstances of the incident and verify use of a less-lethal round. Therefore, officers are encouraged but, not compelled, to use less-lethal force rounds where feasible.
5. Less-lethal force currently consists of the use of equipment and/or techniques to incapacitate individuals without causing death or serious physical injury. However, these measures, when deployed properly, still possess the potential to cause death or serious physical injury.

### **C. Less-Lethal Force Weapons and Techniques**

1. Officers shall not use a less-lethal weapon unless qualified in its proficient use as determined by training procedures. Approved less-lethal force weapons are:
  - a. Straight Baton; this weapon is currently issued to department personnel. Update training is conducted periodically. Batons will be approved through training guidelines.
  - b. Oleoresin Capsicum(OC), Capsicum, Chloroacetophenon(CN), and Orthochlorololde - nzalmalononitrile(CS) type chemical products primarily known as pepper spray, mace or tear gas; these are products issued to officers. Initial training is required with periodic update training.



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- c. Conducted Electrical Weapons (CEW) are currently issued to designated officers. Training is required as described in General Order 256 Electronic Control Device.
  - d. Bean bag rounds, rubber pellet rounds, foam projectile rounds, wooden baton rounds; these munitions are shot from a designated 12 gauge shotgun and / or 37 or 40 millimeter launcher. These weapons and munitions are currently issued to selected employees, who conduct updates and training annually per General Order 257 Less Lethal Impact Munitions.
2. Empty hand and unarmed impact techniques currently taught to officers in advanced and in-service training. Techniques will be approved through training guidelines.
  3. This does not preclude the officer from using any means available in cases involving exigent circumstances.
  4. Officers should obtain appropriate medical treatment for suspects after utilizing less-lethal force weapons or techniques. In most cases, proper treatment would consist of examination by a physician.

## **255.04 REPORTING AND REVIEW OF USE OF FORCE INCIDENTS**

### **A. Deadly Force Incidents**

1. A multi-agency task force, the Officer Involved Incident Task Force (OITF) was created to investigate the following officer involved uses of force incidents:
  - a. A duty related shooting incident(s). (See General Order 156 Officer Involved Shooting.)
  - b. Death or great bodily injury to a person while in police custody, detention or control.
  - c. An officer-initiated action in which death or great bodily injury occurs, including traffic accidents resulting from police pursuits.
2. The Chief of Police or his / her designee may direct an administrative investigation to examine uses of force incidents by employees.





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3. Any Use of Force incident, to include, ramming and/or impromptu roadblocks resulting in great bodily injury or death, shall be investigated.
4. Any officer involved in a use of force incident resulting in great bodily injury or death shall be placed on administrative leave with pay for at least three (3) days. This is intended to provide time for the involved officer(s) to recover from the physical, mental, and emotional stress of the incident.
5. In all instances where police actions are used which result in great bodily injury or death, officers shall document the injury or alleged injury in the offense/incident report. Officers who directly or indirectly witness such police actions, shall document their involvement on a supplement report.

**B. Non – Deadly Force Incidents**

1. In all other instances when force is used, whether or not it results in an injury, officers shall document the use of force, any injury or alleged injury, in the offense/incident report. Officers who directly or indirectly witness such police actions, shall document their involvement on a supplement report.

**C. Use of Force Offense/Incident Reports**

1. The offense/incident report shall include:
  - a. A detailed description of the events leading to the necessity for the use of police action;
  - b. The amount and type of force used;
  - c. The nature and extent of any injuries and treatment rendered to the officers and subjects;
  - d. The identity of combatants, officers involved, witnesses and medical personnel involved, if applicable, and
  - e. All other pertinent information.
2. If an officer is unable to write the report, the on-duty supervisor will ensure the necessary report is properly prepared and forwarded.



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3. Supervisors shall ensure that a written report is submitted in all instances force is used by an officer. Supervisors shall review all use of force related offense/incident reports.

#### **D. Use of Force Blue Team Reports**

1. Supervisors shall ensure that a Blue Team Use of Force Report and photographs are submitted for all types of force applied to a given incident including, but not limited to:
  - a. Hand-to-hand action
  - b. Baton strike
  - c. Canine engagement
  - d. Chemical agents
  - e. ECD
  - f. Less-Lethal Impact Munitions (LLIM)
2. A Blue Team Use of Force report is required for every use of force incident. A separate Blue Team Use of Force Report shall be completed and submitted for each person on whom force was used.
3. Blue Team Use of Force Report(s) shall be reviewed by the chain of command. If there is a question about the reasonableness of the use of force, an indication of a potential weakness in department policy, a question about the effectiveness of a technique or an indication of some training deficiency, the reviewing supervisor shall submit the Blue Team Use of Force Report to PSU and notify the chain of command.
  - a. Any Blue Team Use of Force Report, for which a review has been requested, will be processed by PSU and forwarded to the Defensive Tactics Unit Head for review.
  - b. The Chief of Police and/or his/her designee, in consultation with the Defensive Tactics Unit Head, will determine how the Blue Team Use of Force Report will be reviewed (individual assignment, group assignment, or committee) and by whom. The Defensive Tactics Unit Head will have 15



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days from date of receipt to ensure completion of the review and the return of the Blue Team Use of Force Report with a findings report to PSU.

- c. A use of force review will consist of the examination of police reports, Blue Team Use(s) of Force Reports, and any other available documentation associated with the incident (photos, video, audio, etc.).
- d. The findings report submitted by the Defensive Tactics Unit Head will contain the following:
  - 1) Determination if the use of force was reasonable or unreasonable.
  - 2) Training suggestions or other recommendations (if applicable).
  - 3) Identify any policy weaknesses (if applicable).
  - 4) Identify any additional information needed to complete a comprehensive review (if applicable).
- e. Should the Defensive Tactics Unit be unable to reach a determination after reviewing the available documentation, a findings report indicating the lack of information necessary to determine reasonableness will be submitted to PSU.

#### **255.05 ANNUAL ANALYSIS OF USE OF FORCE**

- A. Annually, the Professional Standards Unit Commander, will analyze all uses of force for the preceding 365 days for the purpose of:
  - 1. Ensure reasonable use of force by departmental personnel.
  - 2. Ensure training effectiveness.
  - 3. Ensure policy effectiveness.
  - 4. Identify equipment in need of upgrade or replacement.
  - 5. Identify personnel in need of additional training.
  - 6. Statistical Data – to identify patterns and trends.



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- B. The use of force analysis will be shared with the public to enhance transparency of the organization. This report will be available in the department's website, no later than March 31st of each year.

## **255.06 ATTACHMENTS**

ATTACHMENT A: REFUSAL OF MEDICAL ATTENTION FORM

## ATTACHMENT A: REFUSAL OF MEDICAL ATTENTION FORM

### LAS CRUCES POLICE DEPARTMENT REFUSAL OF MEDICAL ATTENTION



CASE NUMBER \_\_\_\_\_ DATE: \_\_\_\_\_

I, \_\_\_\_\_, understand that the Las Cruces Police Department has made a good faith determination that I am alert, oriented and able to make decisions for myself. I knowingly and voluntarily release the Las Cruces Police Department from any liability and for any and all claims arising from my decisions regarding my healthcare.

I have no medical complaint, illness or injury. I do not consider myself to be a patient. I have been advised medical attention will be summoned for me upon my request. I REFUSE assessment, treatment as well as transport by EMS to a hospital. I also understand that signing this refusal does not preclude me from later obtaining medical care on my own and/or requesting medical attention.

I have read, or have had read to me, the above paragraphs and they apply to me.

Signature of person refusing service: \_\_\_\_\_ Date: \_\_\_\_\_  
*SIGN*

Signature of LCPD employee: \_\_\_\_\_ Call Sign: \_\_\_\_ Date: \_\_\_\_  
*SIGN*

Witness:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*PRINT* *SIGN*



Revised:

**257 LESS-LETHAL IMPACT  
MUNITIONS**  
Issued: 9/8/2011

## **257 LESS-LETHAL IMPACT MUNITIONS**

### **PURPOSE**

The purpose of this General Order is to establish procedures for the availability and use of Less-Lethal Impact Munitions (LLIM).

### **POLICY**

The Las Cruces Police Department (LCPD) shall use LLIM only when reasonably necessary to protect the sanctity of human life, preserve and protect individual liberties, and to affect lawful objectives. Less-lethal options for the LCPD may vary as to their ability. The least intrusive level of force should be deployed based upon the facts and circumstances for each individual incident.

### **APPLICABILITY**

This General Order applies to all employees issued less-lethal impact munitions. This General Order supersedes all previous versions.

### **REFERENCES**

- CALEA 1.3
- NMML ADM.05
- Graham v. Connor, 490 U.S. 386 (1989)

## **257.01 LLIM LAUNCHERS**

- LLIM launchers shall be a pump action, smooth bore .12 gauge shotgun or other device specifically designed to launch LLIM. Semi-automatic shotguns shall not be utilized.
- Only launchers specifically designated by the department shall be used to deploy LLIM.
- LLIM launchers shall be definitively marked by **BLAZE ORANGE** on the stock and fore grip identifying them as LLIM launchers.
- LLIM launchers shall not be used for any other purpose and shall be loaded only with department issued less-lethal impact munitions.



Revised:

**257 LESS-LETHAL IMPACT  
MUNITIONS**  
Issued: 9/8/2011

- E. Officers certified and authorized to deploy LLIM shall not carry any other type of shotgun or shotgun ammunition.
- F. LLIM launchers shall be kept in a locking rack or locked in the trunk of the assigned officer's vehicle.

## **257.02 LLIM PROJECTILES**

Only approved projectiles shall be purchased and issued to officers as LLIM. The two approved types of LLIM projectiles are:

- A. Flexible projectiles – Projectiles with lead shot sewn into heavy cloth bags and have the potential to conform to the shape of the target.
- B. Non-Flexible – Rigid plastic, rubber, or wood, single or multi-projectiles such as rubber pellets or rubber sabot.

## **257.03 PROCEDURE**

LLIM are not intended to be an alternative to the use of deadly force when such force is clearly authorized and necessary. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, officers should assess the situations where force is warranted. For a more detailed analysis regarding use of force, see General Order 255 Use of Force. LLIM may be utilized on an individual(s) who is:

1. Believed to have committed a felony based on reasonable suspicion and/or is resisting arrest or attempting to avoid apprehension.
2. Armed with a deadly weapon and/or possesses the ability to inflict great bodily harm. (Careful consideration must be given to distance, cover, and the type of threat.)
3. Fleeing to avoid being served with an arrest warrant and/or is arrested and the individual poses a threat to the public safety.
4. Armed and needs to be restrained for their safety.



Revised:

**257 LESS-LETHAL IMPACT  
MUNITIONS**  
Issued: 9/8/2011

## **257.04 DEPLOYMENT**

Officers involved in an incident in which LLIM may be deployed shall:

- A. Constantly evaluate the force option selected against changing circumstances.
- B. Advise other officers of LLIM deployment, if practical.
- C. Use a cover officer with lethal munitions.
- D. Use multiple tactics to overwhelm the suspect, i.e. LLIM may be used in conjunction with a distraction device or chemical agent.
- E. Restrain subjects as necessary and provide immediate medical attention to persons struck by LLIM.
- F. Photograph the subject and injured areas.
- G. Make a detailed Offense/Incident report as well as a Blue Team Use of Force report.

## **257.05 CERTIFICATION**

- A. Initial certification:
  - 1. All officers who carry and/or deploy LLIM shall satisfactorily complete a certification course on the use and application of LLIM. Each officer must qualify with the LLIM delivery system prior to receiving authorization to carry LLIM. Only officers who have met LCPD training requirements for use of LLIM are permitted to carry and/or deploy LLIM.
- B. Annual certification:
  - 1. All officers shall attend a qualification course annually on the use and application of LLIM.

## **257.06 SUPERVISOR RESPONSIBILITIES**

Supervisors shall respond to all deployments of LLIM and ensure that all required reports are completed prior to the officer going off-duty.





**BILL RICHARDSON**  
GOVERNOR

**JOHN DENKO JR.**  
CABINET SECRETARY

## NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE SECRETARY  
**827-3370**

OFFICE OF THE CHIEF  
NEW MEXICO STATE POLICE  
**827-9219**



**FARON W. SEGOTTA**  
DEPUTY SECRETARY—OPERATIONS  
CHIEF—STATE POLICE

**DR. MIKE L. MIER**  
DEPUTY SECRETARY—ADMINISTRATION

November 18, 2009

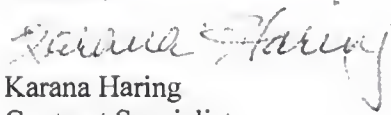
Mr. Harry Romero, Chief of Police  
City of Las Cruces  
217 E. Picacho  
Las Cruces, NM 88001

Dear Chief Romero,

Enclosed is a completely signed Joint Powers Agreement (JPA) between NM Department of Public Safety (DPS), the Dona Ana County Sheriff's Office, the Las Cruces Police Department and the NM State University Police Department. The JPA is now fully executed.

Thank you for your patience and assistance with the JPA and if you should have any questions, please call me at (505) 827-9626, or our Lt Roman Jimenez at (505) 525-4841.

Sincerely,



Karana Haring  
Contract Specialist

ADMINISTRATIVE SERVICES  
**827-9016**

INFORMATION TECHNOLOGY  
**827-9121**

MOTOR TRANSPORTATION  
POLICE DIVISION  
**476-2457**



SPECIAL INVESTIGATIONS  
**841-8053**

TECHNICAL SUPPORT  
**827-9221**

TRAINING AND RECRUITING  
**827-9251**

POST OFFICE BOX 1628 • SANTA FE, NEW MEXICO 87504-1628

## **JOINT POWERS AGREEMENT**

Between the  
NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

And the  
DONA ANA COUNTY SHERIFF'S OFFICE

And the  
LAS CRUCES POLICE DEPARTMENT

And the  
NEW MEXICO STATE UNIVERSITY POLICE DEPARTMENT

This Joint Powers Agreement, dated 10/1/09, 2009, is made and entered into and agreed to by and between the New Mexico Department of Public Safety, the Dona Ana County Sheriff's Office, the Las Cruces Police Department and the New Mexico State University Police Department. Also known as the "Las Cruces Officer-Involved Incident Task Force".

### **JOINT POWERS TO BE EXERCISED:**

**WHEREAS** pursuant to 29-2-18, NMSA 1978, the chief and other members of the New Mexico State Police, who, when duly commissioned and sworn under the provisions of Sections 29-2-1 through 29-2-29, NMSA 1978, shall have the following powers and shall perform the following duties:

1. They shall be conservators of the peace within the state, with full power to apprehend, arrest and bring before the proper court all law violators within the state;
2. Upon request of any officer or agency of the state, charged with the duty of enforcing any law of the state, made to the New Mexico state police board, one or more members of the New Mexico state police may be temporarily designated specifically to enforce the provisions of such law; and

**WHEREAS** pursuant to 4-41-2, NMSA 1978, the Dona Ana County Sheriffs shall have the following powers and shall perform the following duties:

1. They shall be the conservators of the peace within the county;
2. They shall suppress assaults and batteries;
3. They shall apprehend and commit to jail, all felons and traitors, and cause all offenders to keep the peace and to appear at the next term of the court and answer such charges as may be preferred against them, and

**WHEREAS** pursuant to 35-15-4, NMSA 1978, the Dona Ana County Sheriff's Office and the Las Cruces Police Department may serve any process or make any arrests authorized to be made by any city or town officer; and

**WHEREAS** pursuant to 3-13-2, NMSA 1978, the Las Cruces Police Department shall apprehend any person in the act of violating the laws of the State or the ordinances of the municipality and bring him before competent authority for examination and trial. In the discharge of proper duties, the Las Cruces Police Department shall have the same powers and be subject to the same responsibilities as sheriffs in

similar cases; and

**WHEREAS** the Board of Regents of NMSU is authorized to create and employ such police officers as are necessary to protect lives and property on NMSU lands and facilities pursuant to 29-5-1.1 and 29-5-2, NMSA 1978;

**WHEREAS** pursuant to the JPA Act, Sections 11-1-1 through 11-1-7 NMSA 1978, the above referenced public agencies desire to enter into this JPA to exercise their common power pursuant to NMSA 1978, Section 29-1-1 to investigate all violations of the criminal laws of the state which are called to the attention of any officer or of which he is aware, to diligently file a complaint or information, if the circumstances are such as to indicate to a reasonably prudent person that such action should be taken, and to cooperate with and assist the attorney general, district attorney or other prosecutor, if any, in all reasonable ways.

THEREFORE the parties hereby agree as follows:

**1. Scope of Work:**

- A. The purpose of this Agreement is to establish a formal protocol among the above named law enforcement agencies for the following types of investigations:
  - 1) Officer-involved, duty related shooting incidents;
  - 2) Death or great bodily harm to a person while in police custody, detention or control; and
  - 3) Officer-initiated actions in which a death or great bodily injury occurs, including traffic accidents resulting from police pursuits;
- B. A multi-agency task force, with representatives from each of the law enforcement agencies subject to this agreement, is hereby created to investigate the aforementioned situations. Each member of this task force, including supervisors, must have a minimum of three years police experience to include one year of felony level crime investigative experience.
- C. Any law enforcement agency within the jurisdiction of Dona Ana County, which is not a party to this Joint Powers Agreement, may request an investigation by the task force, of any of the above incidents. In addition, any law enforcement agency from outside the jurisdiction of Dona Ana County may request an investigation by this task force if one of their officers is involved in any of the above situations within Dona Ana County. The determination of the lead agency in these cases will be made by the Task Force supervisors. Any disagreements in this case will be referred to the District Attorney or his/her designee

for final designation.

- D. The parties also agree that this multi-agency task force, or an agency identified therein, may be requested by the head of one of the other agencies to this agreement, or a designee, to investigate any other officer-involved suspected criminal action including, but not limited to, off-duty or non-duty related incidents.
- E. A single agency will be designated as the "Lead Agency" in a particular investigation, with the other agencies providing investigative support and supplemental assistance in the investigative effort, as needed.
  - 1) The law enforcement agency that employs the officer involved in one of these situations shall be designated as the "lead agency" for the investigation. If a situation involves more than one agency, the lead agency shall be the agency that initiated the action. The Department of Public Safety, New Mexico State Police Division, reserves the right to be designated lead agency for incidents involving its own personnel. If the law enforcement agencies cannot agree on a lead agency, they agree to seek direction from the District Attorney's Office to designate the lead agency.
  - 2) The lead agency shall designate administrative supervision, a lead investigator, and sufficient personnel and staff to support the investigation. The lead agency shall be responsible for the collection of evidence and its analysis. The lead agency shall also prepare the incident report.
- F. The remaining law enforcement agencies shall designate the necessary personnel and support staff to assist in the initial investigation, collection of evidence and interview of witnesses. They shall also assist in any subsequent follow-up investigation that is needed to complete the case. These agencies will complete their supplemental investigation reports and forward them to the lead agency in a timely manner.
- G. Each agency participating in these investigations shall be responsible for any associated costs required by their own personnel (i.e. salaries and overtime pay). Each agency will make available to these investigations the use of their equipment and facilities as requested/required by the multi-agency task force.
- H. The lead agency shall prepare the completed case and forward it to the District Attorney's Office in a timely manner.
- I. The Public Information Officer duties will be performed by the Lead Agency, unless agreed

to otherwise by all parties.

**2. INTERNAL AFFAIRS INVESTIGATION**

Nothing in this agreement shall prevent or limit any law enforcement agency from conducting a separate internal affairs investigation of these officer-related situations or incidents. It is noted that this task force in no way is to be utilized as an internal affairs investigations unit. Each agency agrees to conduct its own administrative investigation utilizing proper personnel, separate and independent of the criminal investigation by the task force. At no time is the information obtained during the course of the internal investigation to be revealed to the Task Force investigators.

**3. REVIEW, REVISION AND TERMINATION OF JPA**

This JPA shall remain in effect unless or until it is terminated by the participating agencies. Any request to modify or revise this agreement must be done in writing and must be agreed to by all the undersigned parties. Any agency may terminate their participation in this JPA by written notification to all participating agencies and upon approval of the Department of Finance Administration

**4. DISTRIBUTION OF PROPERTY OR SURPLUS FUNDS**

No property will be acquired as a result of the JPA. No surplus funds will be available as a result of this JPA as there are no funds that will be distributed.

**5. GOVERNING LAW**

This JPA shall be governed by the laws of the State of New Mexico.


**6. LIABILITY**

No party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this JPA. Any liability incurred in connection with this JPA is subject to the immunities and limitations of the New Mexico Tort Claims Act.

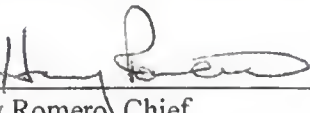
IN WITNESS WHEREOF, the parties have executed this Agreement which becomes effective as of the date of approval by the Department of Finance and Administration.

  
John Denko, Cabinet Secretary  
New Mexico Department of Public Safety

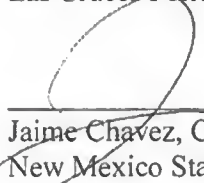
10/1/09  
Date

  
Todd Garrison, Sheriff  
Doná Ana County Sheriff's Department

09-16-09  
Date

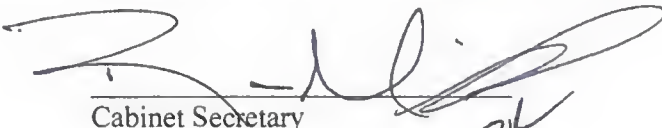
  
Harry Romero, Chief  
Las Cruces Police Department

9-16-09  
Date

  
Jaime Chavez, Chief  
New Mexico State University Police

9-17-09  
Date

APPROVED:  
DEPARTMENT OF FINANCE AND ADMINISTRATION

  
Cabinet Secretary

10/14/09  
Date

## **CALL-OUT PROCEDURES AND PROTOCOL**

### **OFFICER-INVOLVED SHOOTINGS/INCIDENT INVESTIGATIONS**

When an incident occurs requiring the activation of the Las Cruces Officer-Involved Incident Task Force, please attempt to contact the following personnel from each agency in the ORDER LISTED with information on where the incident has occurred and where staging is being held. In turn, the supervisor contacted will activate task force members to respond to the scene.

#### **NEW MEXICO STATE POLICE:**

- Sergeant Felipe Gonzalez: 525-4850 (Office) 202-5274 (Cell)
- Lieutenant Roman Jimenez: 525-4841 (Office) 543-8899 (Cell)

#### **DONA ANA COUNTY SHERIFF'S DEPARTMENT:**

- Lieutenant Joe Reynaud: 525-1911 (Office) 639-6521 (Cell)

#### **LAS CRUCES POLICE DEPARTMENT:**

- Lieutenant Rudy Saenz: 528-4390 (Office) 202-7468 (Cell)
- Sergeant J. Mark Nunley: 428-4179 (Office) 642-8588 (Cell)

#### **NEW MEXICO STATE UNIVERSITY POLICE DEPARTMENT:**

- Lieutenant Garrett Ferreiro: 646-3311 (Office) 575 635-7643 (Cell)
- Juan Moreno: 646-3311 (Office) 575 644-2711 (Cell)
- Raul Ortiz: 646-3311 (Office) 575 644-8500 (Cell)